

Appl. No.: 09/869,534
Amdt. dated October 15, 2007
Reply to Office Action of July 13, 2007

REMARKS/ARGUMENTS

Claims 1-16, 20, 22-25 are pending in the application. Claims 17-19 and 21 have been cancelled.

The Office Action rejects Claims 1-5, 13-16 and 20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,337,073 to Tsunoda et al. in view of Japanese Publication No. 10-096890 to Masahiro and further in view of U.S. Patent No. 5,818,553 to Koenck. The Office Action also rejects Claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,337,073 to Tsunoda et al. in view of Japanese Publication No. 10-096890 to Masahiro and U.S. Patent No. 5,818,553 to Koenck and further in view of U.S. Patent 6,078,302 to Suzuki. The Office Action also rejects Claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,337,073 to Tsunoda et al. in view of Japanese Publication No. 10-096890 to Masahiro and U.S. Patent No. 5,818,553 to Koenck and U.S. Patent 6,078,302 to Suzuki and further in view of U.S. Publication No. 2001/0024967 to Bauer. The Office Action also rejects Claims 10-12 and 22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,337,073 to Tsunoda et al. in view of Japanese Publication No. 10-096890 to Masahiro and U.S. Patent No. 5,818,553 to Koenck and further in view of U.S. Publication No. 2001/0024967 to Bauer. The Office Action also rejects Claims 23 and 24 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,337,073 to Tsunoda et al. in view of Japanese Publication No. 10-096890 to Masahiro and U.S. Patent No. 5,818,553 to Koenck and U.S. Publication No. 2001/0024967 to Bauer and further in view of U.S. Patent No. 6,426,736 to Ishihara.

Independent Claims 1, 14, 15-16, 20 and 25 have been amended to further patentably distinguish the claimed invention from the cited references, taken individually or in combination. Additionally, new Claim 25 has been added to further define the unique aspects of the claimed invention. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the current set of claims are respectfully requested.

Independent Claim 1 is directed towards illumination of a portable device so as to enable the use of the device in the dark and further providing illumination control to conserve battery power of the device. The device of the independent Claim 1 includes a light detector for detecting light incident on at least part of the display and a comparator for comparing the detected light with a given threshold. The device also includes a controller for controlling an illuminator for illuminating the display in dependence upon the output of the comparator. As now recited by the amended independent Claim 1, “the light detector is positioned adjacent to and faces the reverse face to simultaneously receive a light level that represents a total of light contributing to illumination of the display, which is the sum of light received simultaneously from the illuminator and light incident on the display; and further wherein the controller is arranged to control illumination of the display based on the comparison between a threshold level and the sum of the light received simultaneously from the illumination and light incident on the display”. As such, the light detector is positioned in a way so as to simultaneously detect a light level that represents the total light contributing to the illumination of the display. This detection includes detecting simultaneously both the light incident on the display (ambient light) and the light received from the illumination. The controller is configured to control the illumination based on the comparison between a threshold values and the sum of the light incident on the display (ambient light) and the light received from the illumination.

The Tsunoda ‘073 patent describes a device (Fig. 6) having a display and an illuminating device for backlighting the display. The Tsunoda ‘073 patent further discloses the device includes a display (Fig. 6, element 24), a light detector (Fig. 6, element 82) and a controller for controlling the illumination based on a threshold (Fig. 6, element 80 & Column 7, lines 22-48) as mentioned in the Office Action. However, the Tsunoda ‘073 patent does not specifically teach or disclose the total light corresponds to the sum of the light received from the illuminator and the light incident on the display and where the controller is arranged to control illumination of the display based on a threshold level of the sum of the light received from the illumination and light incident on the display as is admitted on Page 3 of the Office Action. Accordingly, the Office Action relies on the Masahiro ‘890 publication for the deficiency. The Office Action further states that the Tsunoda

'073 patent **could** control the illumination based on the sum of the incident light and the light from the illumination. The Tsunoda '073 patent further does not teach or disclose "the light detector is positioned adjacent to and faces the reverse face to **simultaneously** receive a light level that represents a total of light contributing to illumination of the display, which is the sum of light received **simultaneously** from the illuminator and light incident on the display; and further wherein the controller is arranged to control illumination of the display based on the comparison between a threshold level and the sum of the light received **simultaneously** from the illumination and light incident on the display". The control circuit in the Tsunoda '073 patent commands the **switching circuit** to connect the illuminating sensing circuit to drive the EL lamp and reads the resulting illumination and based **only on the ambient illumination thereafter switches** the connection to the light emitting circuit to the EL lamp thereby backlighting the display with reference to Column 5, lines 29-43. Basically the Tsunoda '073 patent switches between a detector and an illuminator and therefore, it is clear the Tsunoda '073 patent would not be able to simultaneously detect and illuminate the EL lamp and detect the ambient light. If the illuminator is off (which is the case when the EL lamp acts as a detector), how can the EL lamp, when it acts as a detector, take into account the light it no longer generates. Therefore, the Tsunoda '073 patent **could not** simultaneously detect the light received from the illumination and light incident on the display. Likewise, none of the other cited references cure this deficiency and, as such, no combination of the cited references teach or suggest independent Claims 1, 14, 15-16, 20 and 25 for at least the same reasons as described above in conjunction with the amended independent Claim 1.

Since each of the dependent claims includes the recitations of the respective independent claims, each of the dependent claims is also patentable distinct from the cited references, taken individually or in combination, for at least the same reasons as described above in conjunction with amended independent Claims 1, 14, 15-16, 20 and 25. It is noted, however, that the dependent claims include additional recitations that may further patentably distinguish the claimed invention from the cited references.

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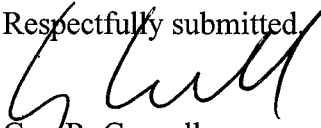
Based on the foregoing amendments and the remarks, it is respectfully submitted that the rejections of Claims 1-16, 20, 22-25 as being rendered obvious by the Tsunoda '073 patent, taken either individually or in combination with one or more secondary references, has been overcome.

CONCLUSION

In view of the amended claims and the remarks presented above, the Applicants submit that the claims are in condition for immediate allowance. As such, the issuance of a Notice of Allowance is respectfully requested. If deemed necessary, in order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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